S.B.CIVIL WRIT PETITION NO.5762/2004

Mahendra Pal & Ors.
v.
Jodhpur Vidhyut Vitran Nigam Ltd. & Ors.

DATE OF ORDER :: 13h February, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. R.S.Saluja, for the petitioners.
Mr. Ashok Chhangani]
Mr. Ravi Bhansali] for the respondents.

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By this petition for writ a direction is sought by the petitioners for the respondents to appoint them to the post of Electrician, Wiremen, Linemen and Cable Jointer in Pali Division of Rajasthan Rajya Vidhyut Prasaran Nigam Ltd. In alternative, the petitioners have also prayed to reconsider their cases for appointments on the posts referred above by issuing guidelines as directed by this Court in SBCivil Writ Petition No.4410/1991, decided on 17.6.1993.

The facts giving rise to present writ petition are that the petitioners after qualifying Industrial Training Institute Certificate Course in different trades were chosen to undergo apprenticeship with Rajasthan State Electricity Board. The Rajasthan State Electricity Board also conducted selection proceedings for appointment to various technical posts and the petitioners faced selection proceedings for that, however, none of the them was found suitable for

selection and appointment as a consequent to the selection proceedings referred above, hence they preferred a writ petition before this Court, that came to be disposed of by judgment dated 17.6.1993, with following directions:-

> "On the over all view of the matter, I am of the opinion that this writ petition should be allowed partly. I, therefore, accept this writ petition partly and quash the selections made by the respondents on 4th April, 1991. The respondent No.1 shall now, lay down specific guidelines for selections for appointment to different trades within a period of 2 months from today, keeping the various factors to be considered by the selection committee, as also weightage to be given for technical qualifications, successful completion of apprentice and experience and allied matters. Thereafter, the respondents shall re-notify the vacancies within a further period of two months, specifying the matters on which candidates have to be tested at the viva voce examination. The present petitioners and all such candidates who had appeared at the selection held on 4.4.1991 shall be allowed an opportunity to face such a viva voce test along with all those persons, who were appointed in pursuance of selections made on 4th April, 1991. Fresh candidates may also be allowed to compete at such a test. Thereafter, the selection committee may make proper selections and the appointing authority may make proper appointments. However, till all this is done, the

> candidates selected at the selection dated 4th April, 1991 shall be allowed to continue on their present posts on purely ad hoc basis. The ad hoc appointment shall come to an end as soon as duly selected candidates are available and appointed. All this exercise shall be completed within a period of six months from today. In the facts and circumstances of the case the parties shall bear their own costs."

Being dissatisfied with the judgment dated 17.6.1993 an appeal too was preferred and that came to be rejected by judgment dated 10.3.2003. During pendency of the appeal the respondents conducted the selection proceedings and interviewed the petitioners in the year 1994, but again they were not selected to be appointed on the posts concerned, hence this petition for writ is preferred.

It is pertinent to note that the selections in pursuant to the directions given by this Court were conducted by the respondents in the year 1994 and this petition for writ was filed on 11.12.2004. The reason given by counsel for the petitioners for filing the writ petition at such a belated stage is that the appeal preferred giving challenge to the judgment dated 17.6.1993 came to be dismissed on 10.3.2003, therefore, the petitioner was filed in the year 2004. An application is also filed by the petitioners termed as a stay petition seeking a direction to accept the

application forms of the petitioners to consider their candidature for the purpose of appointment to various technical posts irrespective of fact that they have crossed the maximum age limit prescribed for appointment to the posts concerned.

In reply to the writ petition, it is contended by the respondents that the candidature of the petitioners was considered by them in accordance with the directions given by this Court vide judgment dated 17.6.1993 in the year 1994 and the present petition for writ is filed after a lapse of about 10 years without any justification for causing such an inordinate delay, therefore, the same deserves to be rejected.

Heard counsel for the parties.

I do not find any foundation in the entire petition for writ for claiming a direction for appointment of the petitioners on the post of Linemen, Wiremen, Cable Jointer and Electrician etc., specially in the circumstances that the same relief was denied to them by this Court in the earlier petition for writ preferred by them. In the writ petition earlier preferred by the petitioners a direction was given to the respondents to reconsider the cases of the petitioners and the respondents by acting upon that conducted fresh selection proceedings by giving an

opportunity to the petitioners to face interviews afresh. The petitioners were not selected therein too and as such no direction now can be given for their fresh consideration as prayed. The issue with regard to grant of relaxation in age for appointment as prayed by the petitioners in stay petition is totally a different cause of action and that cannot be examined in the instant petition for writ.

Accordingly, this petition for writ is having no merit and, therefore, the same is dismissed.

(GOVIND MATHUR),J.

kkm/ps.